

BENJAMIN HYDE.

MARCH 7, 1910.—Ordered to be printed.

Mr. OLIVER, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 1056.]

The Committee on Claims, to whom was referred the bill (S. 1056) for the relief of Benjamin Hyde, having considered the same, beg to submit the following report:

The facts in this case are as follows:

In July 13, 1895, Benjamin Hyde, a general contractor, located in the city of Chicago, entered into a contract with the Treasury Department, approved by the Supervising Architect and the Acting Secretary of the Treasury, for the erection of a temporary post-office in the city of Chicago, for which he was to be paid \$124,930. On July 15, 1896, after the completion of the work, Mr. Hyde filed with the Supervising Architect of the Treasury his claim for additional materials, labor, and services alleged to have been supplied by him in connection with said contract, amounting to \$35,010.90. Under date of June 20, 1898, the department allowed the sum of \$1,372.30, disallowing the remainder, whereupon Mr. Hyde brought suit in the United States Court of Claims to recover the amount so disallowed by the department.

The case was heard by the court and decision filed May 25, 1903. In this decision the court rendered judgment in favor of Mr. Hyde in the sum of \$2,488.84. In the third finding of the court there were eighteen items, of which only one, amounting to \$134.78, was allowed. In disallowing the other items in this finding, the court held that as the contract between Mr. Hyde and the Government required that all changes involving extra work must first receive the approval of the Secretary of the Treasury, and the changes for which claim was made in these cases, even though directed by the superintendent of construction of the building and authorized by the Supervising Architect, were not approved by the Secretary of the Treasury, Mr. Hyde could not recover therefor. The present bill provides for the payment to Mr. Hyde of the amount embraced in the rejected items of that finding.

On nine of the items disallowed in Finding III, your committee believe that the extra work claimed to be done was such as should

have been required of Mr. Hyde in the faithful performance of his contract.

On eight of them, aggregating \$474.65, they think Mr. Hyde is equitably entitled to compensation, as in those cases the work was done by order of the superintendent of construction, the Government received the benefit of the work, and there is no claim that the charge therefor is excessive. They therefore recommend the passage of the bill with the following amendment:

In lines 6 and 7 strike out the words "four thousand six hundred and thirty-three dollars and forty cents," and insert in lieu thereof "four hundred and seventy-four dollars and sixty-five cents."

